

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|-------------------------------|---|---------------------|
| WEST COAST PRODUCTIONS, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:12CV01679 AGF |
| |) | |
| DOES 1-50, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM and ORDER

This matter is before the Court on Plaintiff, West Coast Productions, Inc.’s (“West Coast”) motion for Expedited Discovery of Doe Number 6’s identifying information. (Doc. No. 10.) On October 6, 2012, this Court issued an Order (Doc. No. 7.) permitting Plaintiff to serve discovery requests on non-party Internet Service Providers (“ISP”) to allow Plaintiff to identify the individuals associated with the particular ISP addresses allegedly involved in infringing activity with respect to Plaintiff’s motion pictures.

The Order, served on each account holder by their ISP, outlines a specific procedure by which the account holders may contest the subpoena. This procedure includes filing a motion to quash or modify the subpoena as well as a request to be filed not later than January 16, 2013, to litigate the subpoena anonymously. *Id.* at 2. If a Doe defendant complies with this procedure and files such a motion, the ISP is permitted to withhold that Doe’s identifying information from discovery by Plaintiff. *Id.*

Plaintiff asserts that it has received notice from Charter Communications, Inc. (“Charter”), Doe Number 6’s ISP, that Doe Number 6 “objected” to the subpoena. Doe

Number 6 has neither filed a motion to quash nor otherwise challenged the subpoena before this Court. Plaintiff represents that Doe Number 6 also has failed to provide notice to Plaintiff of the grounds for its objection. On this basis Plaintiff now moves for an order requiring Doe Number 6's ISP, Charter, to produce the identifying information for Doe Number 6 in accordance with the October 16, 2012 Order.

The Court is not persuaded that such an order is warranted at this juncture. The Court will instead order Charter to notify its customer, Doe number 6, of the requirement set forth in the Court's October 6, 2012 Order to file a motion to quash, in essence, a formal statement of his reasons for objecting to the disclosure.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for expedited discovery pursuant to this Court's Order of October 16, 2012 is **GRANTED in part** and **DENIED in part**. (Doc. No. 10.)

IT IS FURTHER ORDERED that Charter Communications, Inc., the Internet Service Provider for Doe Number 6, shall notify Doe Number 6 of his/her obligation to file, not later than **Friday, April 19, 2013**, a motion to quash explaining the reasons for his/her objection to the disclosure of the requested identifying information in accordance with this Court's Order of October 16, 2012. Plaintiff will be granted until **Friday, May 3, 2013**, to respond to the motion to quash. Thereafter, the Court will rule on the motion to quash and determine whether Doe Number 6 will be required to disclose the pertinent identifying information. Doe Number 6 is cautioned that failure to comply with this order may result in the Court's imposition of sanctions for failure to cooperate in

discovery and to comply with an order of the Court.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 20th day of March, 2013.